5. 864 (2.)

ARTICLES AND ORDINANCES OF WAR,

By the
COMMITTEE of ESTATES,
And his
EXCELLENCE,
The Lord Generall
Of the
ARMY.

EDINBURGH,
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most Excellent Majesty, 1650.

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ARTICLES AND ORDINANCES OF VVAR, &c.

The publishing of the Articles & Ordinances of Warre.

THat no man pretend ignorance, and that every one may know the duty of his place, that he may do it; The Articles and Ordinances following, are to be published at the generall Rendezvous in every Regiment apart, by the Majors of the severall Regiments, and in the presence of all the Officers. The same shall afterward be openly read to every Company of Horse and Foot, and at such times as shall be thought most convenient by the Lord Generall: and in like manner shall be made known to so many as joyn themselves to be professed Souldiers in the Army. For this end, every Colonell and Captain shall provide one of those Books, that he may have it in readinesse at all occasions, and every Souldier shall solemnly swear this following Oath.

The Souldiers Oath.

I N. N. promise and sweare to be true and faithfull in this Service, according to the heads sworne by me in the Solemn League and Covenant of the three Kingdomes: To honour and obey my Lord Generall, and all my Superiour Officers and Commanders, and by all means to hinder their dishonour and hurt: To observe carefully all the Articles of Warre and Camp Discipline: never to leave the defence of this Cause, nor flee from my Colours so long as I can follow them: To be ready to watching, warding, and working, so farre as I have strength: To endure and suffer all distresses, and to fight manfully to the uttermost, as I shall answer to G O D, and as G O D shall help me.

Kirk Discipline.

I. Kirk Discipline shall be exercised, and the sick cared for in every Regiment, by the particular Eldership, or Kirk-Session to be appointed,

appointed, even as useth to be done in every Parish in the time of Peace: And that there may be an uniformity throughout the whole Army in all matters Ecclesiasticall, there shall be a generall Eldership, or common Ecclesiastick Judicatory, made up of all the Ministers of the Camp, and of one Elder direct from every particular Regiment, who shall also judge of Appellations made unto them from the particular Sessions or Elderships.

II. For deciding of all questions, debates and quarrellings that shall arise betwixt Captains and their Souldiers, or any others of the Army, and for the better observing of Camp-Discipline, two Courts of Justice, the one higher, and the other lower, are appointed, wherein all judges are sworn to do justice equally: The higher also to judge of Appellations to be made from the lower Court. And if any man shall by word or gesture shew his contempt or misregard, or shall fall out in boasting or braving, while Courts are sitting, he shall be punished by death. And both these Judicatories, as well of the Kirk matters, as of Warre, shall be subject to the Generall Assembly, and Committee of Estates *respectivè*. Counsels of Warre.

III. Whosoever shall wilfully or carelesly absent himself from morning and evening Prayers, or from Preaching before and afternoon on the Lords Day, or other extraordinary times appointed for the worship of God, when the sign is given by sound of Trumpet or Drumme, he shall be censured and punished for his neglect or contempt, by penalty, imprisonment, or other punishment, as his fault deserveth. Duties to God.

After the warning given, there shall be no Market, nor selling of Commodities whatsoever, till the Prayers or Preaching be ended, upon the pain of forfeiting the things so sold, and of the imprisoning of the offenders.

IV. Common and ordinary swearing and cursing, open profaning of the Lords Day, wronging of his Ministers, and other Acts of that kinde, shall not only be punished with losse of pay and imprisonment, but the transgressours shal make their publick repentance in the midst of the Congregation, and if they will not be reclaimed, they shall with disgrace be openly cashered and discharged, as unworthy of the meanest place in the Army.

V. If any shall speak irreverently against the Kings Majesty and his Authority, or shall presume to offer violence to his Majesties Person, he shall be punished as a Traytor. He that shall speak evill of the Cause which we defend, or of the Kingdoms, the Parliaments, Convention of Estates, or their Commitees in the defence thereof, or shall use any words to the dishonour of the Lord Generall, he shall be punished with death. Duties to the King, Countrey, and Gene-

No man ſhall at his own hand, without warrant of the Committee, or of my Lord Generall, have, or keep intelligence with enemy by ſpeech, letters, ſignes, or any other way, under the pain to be punished as a Traytour. No man ſhall give over any Strength, Magazine, Victuall, &c. Or make any ſuch motion, but upon extremity, under the ſame pain. No man ſhall give ſupply, or furniſh Money, Victuall, or any Commodities to the enemy, upon pain of death.

Whoſoever ſhall be found to doe violence againſt the Lord Generall, his Safe-guard, or Safe-conduct, ſhall die for it.

Whoſoever ſhall be found guilty of careleſneſſe and negligence in his ſervice, although he be free of treacherie and double dealing, ſhall bear his own puniſhment.

Duties of Superiours.

VI. All Commanders & Officers ſhal becarefull, both by their authority and example, that all under their charge, live in godlines, ſoberberneſſe, and righteouſnes: and if they themſelves ſhall be common ſwearers, curſers, drunkards, or any of them at any time ſhall come drunk to his Guard, or by quarrelling, or any otherway ſhall commit any notable diſorder in his quarter, loſſe of place ſhall be his puniſhment; And further according to the ſentence of the Court of War.

The Captains that ſhall be negligent in training their Companies, or that ſhall be found to with-hold from their Souldiers any part of their pay, ſhall be diſcharged of their place, and further cenſured by the Court of War.

No Commander or Officer ſhall conceal dangerous and diſcontentented humours, inclined to mutinies, or grudging at the orders given them, but ſhall make them known to the prime Leaders of the Army, upon the pain to be accounted guilty of mutiny.

No Commander or Officer ſhall authorize, or wittingly permit any Souldier to go forth to a ſingular Combat, under pain of death; But on the contrary, all Officers ſhal be careful by all means to part quarrellings amongſt Souldiers, although they be of other Regiments or Companies, and ſhall have power to command them to priſon, which if the Souldiers ſhall diſobey or reſiſt by uſing any Weapon, they ſhall die for it.

No Captain ſhall preſume at his own hand, without warrant of the Lord Generall, to caſheer or give a Paſſe to any enrolled Souldier or Officer, who hath appeared at the place of the Generall Rendezvous; nor ſhall any Commander, Officer, or Souldier depart without a Paſſe, or ſtay behinde the time appointed him in his Paſſe; and whoſoever tranſgreſſeth the one way or the other, ſhall be puniſhed at the diſcretion of the Court of Warre.

Duties of Souldiers.

VII. All Souldiers ſhall remember that it is their part to honour

nour and obey their Commanders, and therefore shall receive their commands with reverence, and shall make no noise, but be silent, when the Officers are commanding or giving their directions, that they may be heard by all, and the better obeyed: he that faileth against this, shall be imprisoned.

No Souldier shall leave his Captaine, nor servant forsake his Master, whether he abide in the Army or not, but upon licence granted, and in an orderly way.

Whosoever shall presume to discredit any of the great officers of the Army, by writ, word, or any other way, and be not able to make it good, and whatsoever shall lift his Weapon against any of them, shall be punished by death; and whosoever shall lift his hand against any of them, shall lose his hand.

No Souldier, nor inferiour Officer, shall quarrell with, or offer any injurie to his Superiour, nor refuse any duty commanded him upon pain of casseering, and to be further censured by the Court of Warre, And if any shall presume to strike his Superiour, hee shall be punished with death. But if it shall happen, that any Officer shall command any thing to the evident and known prejudice of the publick, then shall he who is commanded, modestly refuse to obey, and presently give notice thereof to the Lord Generall.

If any man shall use any words or wayes, tending to mutinie or sedition, whether for demanding his pay, or upon any other cause; or if any man shall bee privie to such mutinous speeches or wayes, and shall conceale them; both shall be punished with death.

All must shew their valour against the Enemie, & not by revenging their private injuries, which upon their complaints to their superiour Officers, shall be repaired to the full. And if any man presume to take his own satisfaction, or challenge a Combat, he shall be imprisoned, and have his punishment decerned by the Marshall Court,

The Provest-Marshall must not be resisted or hindered, in apprehending or putting Deliquents in prison, and all Officers must assist him to this end, and if any man shall resist or break prison, he shall be censured by the Court of Warre,

Duties to others.

VIII. Murther is no lesse unlawfull and intolerable in the time of Warre, then in the time of Peace, & is to be punished with death.

Whosoever shall be found to have forced any woman, whether he be Commander or Souldier, shall die for it without mercy. And whosoever shall be found guiltie of adultery or fornication, shal bee no lesse severely censured and punished then in the time of Peace.

If any common whores shall be found following the Army, if they be married women, and run away from their husbands, they

ſhall be put to death without mercy, and if they be un-married, they ſhall be firſt marked by the hang-man, and thereafter by him ſcourged out of the Army.

Threeves and Robers ſhall be puniſhed with the like ſeverity. If any ſhall ſpoile, or take any part of their goods that die in the Army, or are killed in ſervice, he ſhall reſtore the double, and be further puniſhed at diſcretion. It is provided, that all their goods be forthcoming, and be diſpoſed of according to their Teſtament and Will, declared by word or writ before witneſſes, or if they have made no Teſtament, to their Wives, Children, or neareſt Kindred, according to the Lawes of the Kingdome.

All ſhall live together as friends and brethren, abſtaining from words of diſgrace, contempt, reproach, giving of lies, and all provocation by word or geſture: He that faileth, ſhall be impriſoned for the firſt fault, and if he be incorrigible, he ſhall be with ſhame puniſhed and put out of the Army.

Concerning Arms.

IX. All Souldiers ſhall come to their Colours, to watch, to be exerciſed, or to muſter, with their own Armes & if any Souldier ſhal come with another mans Armes, he ſhall be puniſhed with rigour, and the lender ſhal loſe his Armes. All ſhal come alſo with compleat & tight Arms in a decent manner, otherwiſe to be ſeverely puniſhed.

If any man ſhall ſell or give in pawne his horſe, his Armes, or any part of the Amunition committed to him, or any Inſtruments; as Spades, Shovels, Pickes, uſed in the Field, he ſhall for the firſt and ſecond time be beaten through the quarter, and for the third time be puniſhed as for other theft: And he that buyeth them, or taketh them to pawne, be he Souldier or Victualler, ſhall pay the double of the Money, beſide the want of the things bought or impawned, and be further puniſhed at diſcretion.

Whoſoever in a debauched and lewd manner by Cards or Dice, or by ſloath and unexcuſable neglect, ſhall loſe his horſe & Armes, in whole, or in part, to the hinderance of the ſervice; And whoſoever ſhall wilfully ſpoile or break his Arms, or any inſtrument of Warre committed to him, by cutting down of Trees, or any other way, he ſhall ſerve as a Pioner, till the loſſe be made up, and he furniſhed upon his own charges.

Concerning marching.

X. No man on his march, or at his lodgeing, within or without the Countrey upon whatſoever pretext, ſhall take by violence either horſe, cattell, goods, money, or any other thing leſſe or more, but ſhall pay the uſuall prices for his meat and drink, or be furniſhed in an orderly way upon compt, at the ſight of the Commiſſar, according to the order given by the Committee upon pain of death, without mercy.

If

If any man ſhall preſume to pull down, or ſet on fire any dwelling houſe, though a Cottage, or hew down any fruit-trees, or to waſte or deface any part of the beauty of the Country, he ſhall be puniſhed moſt ſeverely, according to the importance of the fault.

In marching, no man ſhall ſtay behinde without leave: No man ſhall ſtraggle from his Troup or Compauy: No man ſhall march out of his rank, and put others out of order, under all higheſtpain.

Of muſters.

XI. If any Colonel of horſe or foot ſhall keep back his Souldiers from the appointed muſters, or ſhall lend his ſouldiers to make a falſe muſter, upon triall in the Court Marſhall, he ſhall be puniſhed as a deceiver. And if any Muſter-maſter ſhall uſe any falſe rolls, ſhall have any hand in falſe Muſters, or by connivance, or any otherway be tried to be acceſſary to them, he ſhall ſuffer the like puniſhment.

Victuallers

XII. No man ſhall preſume to doe the ſmalleſt injury to any that bring neceſſaries to the Leager, whether by ſtealing from them or deceiving them, or by violence in taking their horſe or goods, under the pain to be accounted and puniſhed as enemies. No victuallres, ſhall ſell rotten victualls upon paine of impriſonment and confiſcation, & further as they ſhall be judged to deſerve.

No Souldier ſhall provide and ſell Victualls, unleſſe he be authorized, nor ſhall any that ſelleth Victualls, keep in his Tent or Hutte any Souldier at unſeaſonable houres, and forbidden times, under pain at diſcretion: Like-as, all the prices thereof ſhall be ſet down by the generall Commiſſar and be given to the Quartermaſter of the ſeverall Regiments.

Duties in the Camp.

XIII. No man enrolled profeſſing himſelf or pretending to be a Souldier, ſhall abide in the Army, unleſſe he enter in ſome Company, nor ſhall he that hath entered depart without licence, upon paine of death. No man having licenſe ſhall ſtay beyond the time appointed him, upon pain of the loſſe of his pay during the time of his abſence, and further puniſhment at diſcretion. If any man in a mutinous way, ſhew himſelfe diſcontent with the quarter aſſigned him, he ſhall be puniſhed as a mutiner. And if any man ſhall ſtay out of his quarter, or go without ſhot of Cannon being intrenched, but one night, without leave of his ſuperiour Officer, he ſhall be caſſeerd.

All that ſhall be abſent from the watch after the ſigne is given for the ſetting thereof ſhall be ſeverely puniſhed. He that revealeth or falſifieth the watchword given by the Officer, within the Trenches, or before the Colours: He that is taken ſleeping or drunk upon his watch: He that cometh off the watch before the time

every;

every one of those shall be punished with death.

Whosoever shall assemble themselves together for taking mutinous counsell upon whatsoever pretext; they all, whether Officers or Souldiers, shall suffer death.

Duties in Battell.

XIV. Every man when the Alarme is given, shall repair speedily to his Colours; no man shall forsake or flee from his Colours,

No man in the Countrey shall reset them that flee.

No man in the battell shall throw away his Musket, Pike, or Bandileir, all under the pain of death.

Whatsoever Regiment of horse or foote, having charged the enemy, shall draw back or flee before they come to stroke of sword, shall answer for it before a Councell of warre; and whosoever Officer or Souldier shall be found to be in the default, they shall be punished by death, or some shamefull punishment, as the Councel of warre shall finde their cowardise to deserve.

Duties after Battell.

XV. If it shall come to passe, that the enemy shall give us battell, and the Lord shall give us victorie, none shall kill a yeelding enemy nor save him that still pursueth, upon paine of death. Neither shall there be any ransomeing of persons, spoyling, pillaging, parting of the prey, or disbanding from their charges, or Offices, but as the Lord Generall shall give order upon the same pain of death.

Rewards for the well deserving.

XVI. Every mans cariage shall be diligently observed, and he according to his merit rewarded or punished: And whatsoever Officer or Souldier shall take Commanders, or the Colours of the enemy, or in the siege of Townes shall first enter a breach, or scale the wals, & shall carry himself dutifully in his station, and doth his part valiantly, in skirmish or battell, shal after the laudable exemple of the wisest and worthiest Kingdomes and Estates, have his honour and reward according to his worth and deserving, whether hereafter we have peace or war.

Matters that are clear by the light and law of nature are presupposed: Things unnecessary, are past over in silence: and other things may be judged by the common customes and constitutions of warre, or may upon new emergents, bee expressed afterward.

FINIS